

**REMARKS**

The Office Action mailed November 3, 2004, has been received and reviewed. By the present Response and Amendment, Claims 1-27 are pending, and Claims 1, 2, 5, 13, 24, and 25 are amended. No new matter is introduced.

**Drawings**

The Examiner objected to the drawings as failing to comply with 37 C.F.R. 1.83(a) because they did not show every feature of the invention as specified in the claims. Specifically, the Examiner stated that the plurality of channels or grooves of Claim 24 must be shown or the feature must be canceled from the claims. Applicant respectfully traverses this rejection. The channels or grooves are clearly shown in Fig. 8b. Accordingly, the objection has been addressed, and Applicant requests the Examiner to withdraw this objection.

In addition, Applicant submits herewith 12 replacement sheets of formal drawings.

**Claim Rejections under 35 U.S.C. § 102(b)**

Claims 1, 2, and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 539,394 to Poulson et al. Applicant respectfully traverses this rejection. Nevertheless, Applicant has amended Claim 1 to clarify that the frame has a plurality of panels, one of which defines an opening in which a door is pivotally mounted, which is not disclosed, taught, or suggested by Poulson et al. Accordingly, allowance of Claim 1 is respectfully requested.

Because dependent Claims 2 and 8 incorporate the limitations of Claim 1, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, as Claim 1 is allowable, Claims 2 and 8 are also allowable. Accordingly, allowance of Claims 2 and 8 is respectfully requested.

Claims 22-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,247,598 to Bohlen. Applicant respectfully traverses this rejection.

Claim 22 recites a pet enclosure, "wherein the floor panel comprises a channel for receiving a cooperating portion of said pet enclosure." Bohlen discloses a baby bed, not an enclosed bed, as asserted by the Examiner. Thus, Claim 22 is patentably distinguishable from Bohlen, and accordingly, allowance of Claim 22 is respectfully requested.

Claim 23 recites, in part, "the floor panel comprising at least one channel for receiving a cooperating portion of said frame." Bohlen does not disclose, teach, or suggest a floor panel comprising at least one channel for receiving a portion of the *frame*. Rather, Bohlen discloses a floor having an aperture through which a spring connects the floor to the frame of the bed. Accordingly, allowance of Claim 23 is respectfully requested.

Because dependent Claim 24 incorporates the limitations of Claim 23, this dependent claim is allowable for at least the reasons set forth above for the corresponding independent claim. Thus, as Claim 23 is allowable, Claim 24 is also allowable. Claim 24 is also allowable because Bohlen does not disclose, teach, or suggest that the grooves or channels are angularly offset from one or more other channels. Accordingly, allowance of Claim 24 is respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 102(a)**

Claims 1-4, 9, 10, and 25-27 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,601,723 to Ziglar. Applicant respectfully traverses this rejection. U.S. Patent No. 6,601,723 to Ziglar issued on August 5, 2003, and the present application was filed on July 2, 2003. Thus, the Ziglar patent issued *after* the filing date of the present application. Accordingly, Ziglar is not a valid 102(a) rejection, and Applicant requests the Examiner to withdraw this rejection.

Applicant, as the inventor of the present application, conceived and reduced the invention to practice in the United States prior to the effective date of the Ziglar reference. Submitted herewith is a Declaration of Prior Invention, under 37 C.F.R. § 131, setting forth facts sufficient to show that the present invention was invented in the United States prior to the effective date of the cited reference.

As described in the declaration attached hereto as Exhibit A, Applicant had invented the pet enclosure of the present application prior to April 30, 2002. The supporting materials provided with the 37 C.F.R. § 131 Declaration were prepared prior to April 30, 2002, and clearly show Applicant was then in possession of the presently claimed invention. Accordingly, Applicant respectfully requests removal of the cited Ziglar reference.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 5-7, 13, 15-17, 20, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 539,394 to Poulson et al. in view of U.S. Patent No. 318,812 to Smith et al. Applicant respectfully traverses this rejection.

Because dependent Claims 5-7 incorporate the limitations of Claim 1, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claim. Thus, as Claim 1 is allowable, Claims 5-7 are also allowable. Accordingly, allowance of Claims 5-7 is respectfully requested.

Independent Claims 13 and 20 recite in part a pet enclosure comprising a plurality of panels, wherein at least one panel defines "an opening therein in which a door is pivotally mounted." Hence, the door is pivotally mounted *within* the panel. Neither Poulson et al. nor Smith et al., individually or in combination, disclose, teach, or suggest a structure having a plurality of panels, wherein one of the panels defines an opening therein in which a door is pivotally mounted. Rather, Smith et al. discloses a panel, which itself in its entirety can be considered a door. Thus, combining the frame with the interwoven lathing

of Poulson et al. with the shipping cage of Smith et al. does not yield a device having a door mounted *within* a panel of the frame. Accordingly, allowance of Claims 13 and 20 is respectfully requested.

Because dependent Claims 15-17 and 21 incorporate the limitations of the claims on which they depend, these dependent claims are allowable for at least the reasons set forth above for the corresponding independent claims. Thus, as Claims 13 and 20 are allowable, Claims 15-17 and 21 are also allowable. Accordingly, allowance of Claims 15-17 and 21 is respectfully requested.

#### **Claim Rejections under 35 U.S.C. § 112**

Claims 13-19 and 25-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, Applicant has clarified Claims 13 and 25 to reflect "a plastic material woven on said frame and having the appearance of natural rattan or wicker." Applicant has also amended Claim 24 to include the verb "are." Applicant submits that the rejection is overcome and respectfully requests the Examiner to withdraw this rejection.

#### **Allowable Subject Matter**

Applicant wishes to thank the Examiner for recognizing the allowable subject matter of dependent Claims 11, 12, 14, 18, and 19. As discussed herein, Applicant believes all independent claims are in condition for allowance, and accordingly, dependent Claims 11, 12, 14, 18, and 19 are in condition for allowance.

**CONCLUSION**

In view of the amendments submitted herein and the above comments, it is believed that all grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Accordingly, Applicant earnestly solicits early and favorable action. Should there be any further questions or reservations, the Examiner is urged to telephone Applicant's undersigned attorney at (770) 984-2300.

Respectfully submitted,



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**DRAWING AMENDMENTS**

Please substitute the enclosed replacement drawing sheets into the application.